



City Council Meeting Action Agenda

March 2, 2015

Council Chambers, First Floor

Present:

Mayor William V. Bell.
Eugene Brown
Diane Catotti
Eddie Davis
Don Moffitt
Steve Schewel

Absent: Mayor Pro Tempore Cora Cole-McFadden

Disclaimer: All information on the website is subject to tampering and unauthorized changes without the knowledge of the City of Durham. Minutes are available after City Council approval. Contact the City Clerk's Office at 919-560-4166.

[Consent Agenda]

1. Approval of City Council Minutes

To approve the City Council minutes for the following meeting dates: December 18, 2014, January 5, 2015, January 8, 2015, January 16, 2015 and January 20, 2015. [Approved by Vote: 6/0]

(Resource Person: D. Ann Gray – 919-560-4166 ext. 12267) ([PR# 10291](#))

2. Citizens Advisory Committee – Appointments

To appoint Vernetta Alston (term expires on June 30, 2016) and Alex Kotch (term expires June 30, 2015) to the Citizens Advisory Committee. [Approved by Vote: 6/0]

(Due to the resignations of April Johnson and Sakorya Bullock)

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 12264) ([PR# 10267](#))

3. Durham Board of Adjustment – Appointment

To appoint Nicholas Serrano to the Durham Board of Adjustment as an Alternate Member with the term to expire on June 30, 2015. [Approved by Vote: 6/0]

(Due to a vacancy)

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 12264) ([PR# 10269](#))

4. Interlocal Agreement between the City of Durham and the City of Raleigh for the Community Viz Scenario Planning Initiative

To authorize the City Manager to execute an Interlocal Agreement between the City of Durham and the City of Raleigh for the Community Viz Scenario Planning Initiative. [Approved by Vote: 6/0]

(Resource Person: Felix Nwoko – 919-560-4366 ext. 36424) ([PR# 10286](#))

5. Interlocal Agreement between North Carolina Department of Transportation, City of Raleigh & City of Durham for the Regional Freight Plan

To authorize the City Manager to execute an Inter-local Agreement between NCDOT, the City of Raleigh and the City of Durham for the development of the Regional Freight Plan. [Approved by Vote: 6/0]

(Resource Person: Felix Nwoko – 919-560-4366 ext. 36424) (PR# 10288)

6. Contract with Parsons Brinckerhoff, Inc. for the Development of the Regional Freight Plan

To authorize the City Manager to execute an agreement with Parsons Brinckerhoff, Inc. for the development of the Regional Freight Plan in an amount not to exceed \$399,994.00. [Approved by Vote: 6/0]

(Resource Person: Felix Nwoko – 919-560-4366 ext. 36424) ([PR# 10289](#))

7. Frontier Telephone Settlement – Frontier Communications of the Carolinas

To ratify the agreement with Frontier Communications of the Carolinas LLC to provide service at the rate of \$13,000.00 per month for 24 months, for a total of \$312,000.00. [Approved by Vote: 6/0]

(Resource Person: James Soukup – 919-560-4500 ext. 16274) ([PR# 10260](#))

8. FY2014-15 Second Quarter Financial Report

To receive the FY2014-15 Second Quarter Financial Report. [Approved by Vote: 6/0]

(Resource Person: Keith Herrmann – 919-560-4455 ext. 18230) ([PR# 10272](#))

9. Bid Report- January 2015

To receive a report and to record into minutes bids which were acted upon by the City Manager during the month of January 2015. [Approved by Vote: 6/0]

(Resource Person: Jonathan Hawley – 919-560-4132 ext. 18225) ([PR# 10281](#))

10. Proposed Sale of 0 Mission Place by Upset Bid, Parcel ID 110153 (City Tract 2286)

To declare the subject property at 0 Mission Place as surplus;

To accept the offer of \$5,000.00 from Timothy Werrell to purchase the property at 0 Mission Place and advertise for upset bids pursuant to the Upset Bid Procedure (G. S. 160A-269);

To authorize the City Manager to accept the bid from the highest responsible bidder at the conclusion of the upset bid process, pursuant to Section 86.3 of the City Charter, and;

To authorize the City Manager or the Mayor to convey Parcel ID 110153 with a non-warranty deed.
[Approved by Vote: 6/0]

(Resource Person: Amy Sears – 919-560-4197 ext. 21274) ([PR# 10278](#))

11. Sale of Property between the City of Durham and the North Carolina Department of Transportation for the Pedestrian Enhancement project Located at 4702 Old Chapel Hill Road, Parcel ID140067 (City Tract 1911)

To accept the offer of \$12,140.00 from the North Carolina Department of Transportation;

To authorize the City Manager to sell 0.166 acres as right-of way, 0.013 acres of temporary construction easement, 0.166 acres of permanent utility easement and 0.007 acres as permanent drainage easement by deed to the North Carolina Department of Transportation; and

To authorize the City Manager or Mayor to convey portions of parcel ID140067 by deed to the North Carolina Department of Transportation. [Approved by Vote: 6/0]

(Resource Person: Amy Sears – 919-560-4197 ext. 21274) ([PR# 10282](#))

12. Lease of a Portion of Duke Park (Parcel #109272) to the Durham Bicycle Cooperative

To authorize the City Manager to execute a lease for a ten (10) year term with the Durham Bicycle Cooperative on a portion of Duke Park located at 106 W. Knox Street, Durham, North Carolina 27701 (Parcel #109272). [Approved by Vote: 6/0]

(Resource Person: Kay Stephenson – 919-560-4197 ext. 21241) ([PR# 10283](#))

13. Proposed Conveyance of Various Property Interests to the North Carolina Department of Transportation for the Alston Avenue Widening Project

To authorize conveying to the North Carolina Department of Transportation a) .019 acres on 1117 Gillette Avenue for a temporary construction easement; b) the entire .124-acre parcel located at 116 S. Alston Avenue in fee simple; and c) .078 acres on 1000 Gilbert Street for a temporary construction easement, a temporary drainage easement, a permanent drainage easement, a permanent utility easement and fee simple right-of-way for a total amount of \$32,055.00 pursuant to NCGS Â§160A-274; and

To authorize the City Manager or Mayor to convey the city-owned property interests by special warranty deed. [Approved by Vote: 6/0]

(Resource Person: Elizabeth Hyland – 919-560-4197 ext. 21295) ([PR# 10279](#))

14. Construction Manager at Risk Contract with Lend Lease (US) Construction Inc. for the Police Headquarters Complex ("Project")

To adopt a Resolution finding that the use of construction manager at risk services is in the best interest of the Police Headquarters Complex project pursuant to G.S. 143-128.1(e); and

To authorize the City Manager to negotiate and execute a CMAR contract with Lend Lease (US) Construction Inc. for preconstruction services for the Police Headquarters Complex project in the lump sum amount of \$215,000.00. [Approved by Vote: 6/0]

(Resource Person: Jina Propst – 919-560-4197 ext. 21284) ([PR# 10259](#))

15. Architecture Contract with O'Brien/Atkins Associates, P.A. for the Police Headquarters Complex ("Project")

To authorize the City Manager to negotiate and execute an Architectural services contract with O'Brien/Atkins Associates, P.A. for comprehensive design services for the Police Headquarters Complex

project in an amount not to exceed \$4,881,361.00;

To authorize a project contract contingency for the Architectural Services contract in the amount of \$488,136.00; and

To authorize the City Manager to execute contract amendments to the Architecture contract provided the total contract does not exceed \$5,369,497.00 the amount budgeted for architecture services including the contingency. [Approved by Vote: 6/0]

(Resource Person: Jina Propst – 919-560-4197 ext. 21284) ([PR# 10290](#))

16. Contract with Morris and McDaniel, Inc. for Promotional Testing and Assessment Services

To authorize the City Manager to execute a contract in the amount of \$152,330.00 with Morris and McDaniel, Inc., for police promotional testing and assessment services. [Approved by Vote: 6/0]

(Resource Person: Giancarlo Ladaga – 919-560-4402, ext. 29155) ([PR# 10284](#))

17. North Carolina Institute of Minority Economic Development (Construction Inspections Contract Amendment)

To authorize the City Manager to amend the on-call supplemental agreement with Kimley-Horn and Associates by increasing the contract amount by \$39,000.00 to provide additional professional services to complete the NCIMED project. [Approved by Vote: 6/0]

(Resource Person: Tasha Johnson – 919-560-4326 ext. 30262) ([PR# 10266](#))

18. Utility Relocation for North Carolina Department of Transportation – Alston Avenue Bridge No. 93 Replacement

To authorize the City Manager to execute a Design Build Utility Agreement with NCDOT for the reimbursement of relocation costs for water and sewer utilities associated with replacement of Alston Avenue Bridge No. 93 Road for an estimated cost of \$240,000.00; and

To establish a contingency fund in the amount of \$24,000.00 for costs that may exceed the estimate, so long as the total reimbursement does not exceed \$264,000.00. [Approved by Vote: 6/0]

(Resource Person: Tasha Johnson – 919-560-4326 ext. 30262) ([PR# 10268](#))

19. Contract Amendment for ST-257 Carver Street Extension

To authorize the City Manager to execute Contract Amendment No. 2 for ST-257 Carver Street Extension with Horvath Associates, P.A. of North Carolina in the amount of \$712,000.00. [Approved by Vote: 6/0]

(Resource Person: Tasha Johnson – 919-560-4326 ext. 30262) ([PR# 10270](#))

20. North Carolina Department of Transportation Construction Agreement to Repave Guess Road

To authorize the City Manager to execute a Construction Agreement with NCDOT for the repaving of Guess Road from Broad Street south to W. Club Boulevard under Project WBS 5CR.20321.28;

To authorize the expenditure of \$195,000.00 from the CIP Street Paving account; and

To establish a contingency fund in the amount of \$19,500.00 from the CIP Street Paving account (10%).
[Approved by Vote: 6/0]

(Resource Person: Tasha Johnson – 919-560-4326 ext. 30262) ([PR# 10271](#))

The City Council disposed of the following agenda items at the February 19, 2015 Work Session:

21. Southside Neighborhood Association of Durham, Inc. (SNA) Tipping Point Presentation

(This item was referred back to the Administration – Community Development Dept.)

22. Durham City-County Disparity Study

(This item was referred back to the Administration – EO/EA Dept.)

24. Report on Failed and Struggling Developments

(A report was received at the 02-19-15 Work Session)

[General Business Agenda]

23. 2014 Annual Police Crime Report

To receive a presentation on the Durham Police Department's 2014 Annual Summary Crime Report.

Note: Police Chief Lopez provided a Powerpoint presentation and no action was taken by the City Council.

(Resource Person: Jose L. Lopez, Sr. – 919-560-4322 ext. 29191) ([PR# 10265](#))

[General Business Agenda – Public Hearings]

25. Consolidated Annexation – Hendrick Southpoint Phase II

To conduct a public hearing to receive comments on the Consolidated Annexation – Hendrick Southpoint Phase II;

To authorize the City Manager to enter into a water and sewer extension agreement with Hendrick Automotive Group;

To adopt an Ordinance Annexing the Hendrick Southpoint Phase II development into the City of Durham effective March 31, 2015;

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400002 out of Residential Rural (RR) (County Jurisdiction) and placing same in and establishing same as Commercial General with a development plan (CG(D)) (City Jurisdiction). [Approved by Vote: 6/0]

To adopt a consistency statement as required by NCGS 160A-383. [Approved by Vote: 6/0]

Recommendations: The staff recommended that the City Council approve the Utility Extension Agreement, Voluntary Annexation Petition and Zoning Map Change.

(Resource Person: Steven L. Medlin, AICP – 919-560-4137 ext. 28223) ([PR# 10280](#))

26. Public Hearing on FY2015-16 Fiscal Year Budget and Capital Improvement Plan (CIP)

To conduct a public hearing to receive comments on the FY2015-16 Fiscal Year Budget and FY2016-2021 Capital Improvement Plan (CIP). [Approved by Vote: 6/0]

(Resource Person: Bertha T. Johnson – 919-560-4111 ext. 20285) ([PR# 10302](#))

[Adjournment – 8:28 p.m.]

Notice Under the Americans with Disabilities Act (ADA).

The City of Durham will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communications, or a

modification of policies or procedures to participate in the City program, service, or activity, should contact the office of Stacey Poston, Acting ADA Coordinator, Voice: (919)560-4197, ext. 21254, TTY:(919) 560-1200; ADA@durhamnc.gov, as soon as possible but no later than 48 hours before the scheduled event.